

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Galina Dvoirin and Jury Kheifetz, w/h

(b) County of Residence of First Listed Plaintiff Montgomery County, P.  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jeffrey R. Lessin, Jeffrey R. Lessin & Associates, P.C.,  
1515 Market St., Ste. 1650, Phila. PA 19102,  
(215) 599-1400; j.lessin@lessinlaw.com

## DEFENDANTS

Costco Wholesale Corporation

County of Residence of First Listed Defendant King County, WA  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Warren F. Sperling, Bennett, Bricklin & Saltzburg LLC  
1500 Market St., 32nd Floor, West Tower, Phila. PA 19102  
(215) 665-3334; sperling@bbs-law.com

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§1332, 1441 AND 1446  
Brief description of cause:  
Personal injury action

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
> \$50,000CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

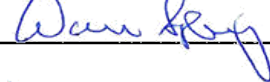
JUDGE

DOCKET NUMBER

DATE

March 10, 2022

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Gailna Dvoirin and Jury Kheifetz, w/h	:	CIVIL ACTION
	:	
v.	:	
	:	
Costco Wholesale Corporation	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( X )

March 10, 2022	Warren F. Sperling	Defendant
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
(215) 665-3334	(215) 561-6661	sperling@bbs-law.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 311 Ferris Lane, Doylestown, PA 18901

Address of Defendant: 999 Lake Drive, Issaquah, WA 98027

Place of Accident, Incident or Transaction: 740 Upper State Road, North Wales, PA 19454

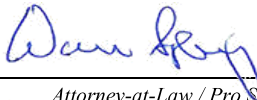
**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: March 10, 2022  36676  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☒ 6. Other Personal Injury (Please specify): Slip and Fall  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<u>GALINA DVOIRIN and JURY KHEIFETZ, w/h</u>	:	
	:	
vs.	:	CIVIL ACTION NO.
	:	
<u>COSTCO WHOLESALE CORPORATION</u>	:	

**NOTICE OF REMOVAL**

AND NOW, comes defendant, Costco Wholesale Corporation, for the purpose only of removing the cause to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action filed and now pending in the Court of Common Pleas of Montgomery County, Pennsylvania, No. 2022-01938.

2. On February 10, 2022, plaintiffs filed their Civil Action Complaint. (See attached true and correct copy of the Complaint marked as Exhibit "A"). The Complaint was served on February 28, 2022.

3. The averments made herein are true and correct with respect to the date and time upon which the Complaint was filed and served, and the date upon which this notice is being filed.

4. This suit is of a civil nature and involves a controversy between citizens of different states. Plaintiffs are citizens of the Commonwealth of Pennsylvania. Defendant, Costco Wholesale Corporation, is a corporation organized under the laws of the State of Washington with their principal place of business at 999 Lake Drive, Issaquah, WA 98027.

5. Defendant, Costco Wholesale Corporation, has simultaneously with the filing of this notice, given written notice to the plaintiffs.

6. Defendant, Costco Wholesale Corporation, is also filing a copy of the instant notice of removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Montgomery County.

7. The Complaint asserts claims against the defendant, Costco Wholesale Corporation, for personal injuries allegedly sustained in an incident that occurred on September 16, 2020, at the Costco Warehouse located at 740 Upper State Road, North Wales, PA 19454.

8. Defendant, Costco Wholesale Corporation, seeks to remove this matter to the United State District Court for the Eastern District of Pennsylvania. Defendant, Costco Wholesale Corporation, asserts that the amount in controversy in this matter exceeds \$75,000. As the moving party, defendant, Costco Wholesale Corporation, bears the burden of proving that jurisdiction is proper in federal court. Russ vs. State Farm Mutual Automobile Insurance Company, 961 F.Supp. 808, 810 (E.D. Pa. 1997).

9. In determining whether the jurisdiction amount has been satisfied, the Court must first look at the complaint. Angus vs. Shiley, Inc., 989 F.2d 142, 145 (3rd Circ. 1993).

10. The underlying lawsuit demands an amount “in excess of the amount for compulsory arbitration” (which is currently \$50,000). Plaintiffs allege that plaintiff, Galina Dvoirin, suffered severe and permanent injuries, including but not limited to: tear of the meniscus of the right knee; contusion, sprain and strain of the right knee; left knee contusion, sprain and strain superimposed on previously asymptomatic degenerative disease; lumbar sprain and strain; painful traumatic injury to the left wrist; anxiety; and severe shock to the nerves and nervous system. Plaintiff, Galina Dvoirin, was or may have been otherwise injured, whereby plaintiff has suffered and may continue to suffer in the future. The complaint also asserts that the plaintiff has spent unspecified amounts for medicine and medical care.

11. Plaintiffs have declined to stipulate to limit their damages to \$75,000 in order to avoid the jurisdiction of this Court, as confirmed in an email exchange with Mark Richter, Esquire on March 10, 2022.

**WHEREFORE**, defendant, Costco Wholesale Corporation, hereby removes this suit to this Honorable Court pursuant to the laws of the United States in such cases made and provided.

**BENNETT, BRICKLIN & SALTZBURG LLC**



BY: \_\_\_\_\_

WARREN F. SPERLING, ESQUIRE

Attorney I.D. #36676

Centre Square, West Tower

1500 Market Street, 32<sup>nd</sup> Floor

Philadelphia, PA 19102

(215) 561-4300

Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)

Attorney for Defendant,

Costco Wholesale Corporation

Date: March 10, 2022

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<u>GALINA DVOIRIN and JURY KHEIFETZ, w/h</u>	:	
	:	
vs.	:	CIVIL ACTION NO.
	:	
<u>COSTCO WHOLESALE CORPORATION</u>	:	

**NOTICE**

To: Jeffrey R. Lessin, Esquire  
Jeffrey R. Lessin & Associates, P.C.  
1515 Market Street, Suite 1650  
Philadelphia, PA 19102

Please take notice that defendant, Costco Wholesale Corporation, has filed a Notice of Removal to the United States District Court for the Eastern District of Pennsylvania removing to that Court a civil action previously pending in the Court of Common Pleas of Montgomery County, entitled, Galina Dvoirin and Jury Kheifetz, w/h v. Costco Wholesale Corporation, No. 2022-01938.

**BENNETT, BRICKLIN & SALTZBURG LLC**



BY: \_\_\_\_\_

WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
Centre Square, West Tower  
1500 Market Street, 32<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

Date: March 10, 2022

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<u>GALINA DVOIRIN and JURY KHEIFETZ, w/h</u>	:	
	:	CIVIL ACTION NO.
vs.	:	
	:	
<u>COSTCO WHOLESALE CORPORATION</u>	:	

**PROOF OF FILING**

COMMONWEALTH OF PENNSYLVANIA	:
	:
COUNTY OF PHILADELPHIA	:

Warren F. Sperling, being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Costco Wholesale Corporation.

That he did direct the filing with the Prothonotary of the Court of Common Pleas of Montgomery County, a copy of the Notice of Removal, attached hereto, said filing to be made on March 10, 2022.

**BENNETT, BRICKLIN & SALTZBURG LLC**



BY: \_\_\_\_\_  
WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
Centre Square, West Tower  
1500 Market Street, 32<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation



**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<u>GALINA DVOIRIN and JURY KHEIFETZ, w/h</u>	:	
	:	CIVIL ACTION NO.
vs.	:	
	:	
<u>COSTCO WHOLESALE CORPORATION</u>	:	

**PROOF OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA	:
	:
COUNTY OF PHILADELPHIA	:

Warren F. Sperling, being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Costco Wholesale Corporation, and that he did serve this 10<sup>th</sup> day of March, 2022, the aforementioned notice to plaintiffs upon the individual named below by electronic notification by the Court or depositing a copy of same in the United States first class mail, postage prepaid, enclosed in envelope plainly addressed to:

Jeffrey R. Lessin, Esquire  
Jeffrey R. Lessin & Associates, P.C.  
1515 Market Street, Suite 1650  
Philadelphia, PA 19102

**BENNETT, BRICKLIN & SALTZBURG LLC**



BY:

---

WARREN F. SPERLING, ESQUIRE  
Attorney I.D. #36676  
Centre Square, West Tower  
1500 Market Street, 32<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 561-4300  
Email: [sperling@bbs-law.com](mailto:sperling@bbs-law.com)  
Attorney for Defendant,  
Costco Wholesale Corporation

**Exhibit “A”**

JEFFREY R. LESSIN & ASSOCIATES, P.C.  
 BY: JEFFREY R. LESSIN, ESQUIRE  
 I.D. #43801  
 BY: MARK T. RICHTER, ESQUIRE  
 I.D. #45195  
 1515 MARKET STREET, STE. 1650  
 PHILADELPHIA, PA 19102  
 (215)-599-1400

THIS IS A MAJOR CASE  
 Assessment of Damages  
 Hearing is Required  
 JURY TRIAL DEMANDED

GALINA DVOIRIN and  
 JURY KHEIFETZ, w/h  
 311 Ferris Lane  
 Doylestown, PA 18901

ATTORNEYS FOR PLAINTIFFS

: COURT OF COMMON PLEAS OF

:  
 : MONTGOMERY COUNTY

vs.

COSTCO WHOLESALE CORPORATION  
 740 Upper State Road  
 North Wales, PA 19454

: NO.  
 :

# CIVIL ACTION - COMPLAINT - NOTICE TO DEFEND

## PREMISES LIABILITY

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS, DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICATION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMAS, LA CORTE PUEDE DICI DIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Montgomery County Bar Association  
 Lawyer Referral and Information Service  
 100 W. Airy St., Norristown, PA 19401  
 (610)279-9660

Asociacion de Liceneados de Montgomery County  
 Servicio de Referencia e Informacion Legal  
 100 W. Airy St., Norristown, PA 19401  
 (610)279-9660

CIVIL ACTION - COMPLAINT

1. Plaintiffs, **GALINA DVOIRIN** and **JURY KHEIFETZ**, are adult individuals, wife and husband, who reside together at 311 Ferris Lane, Doylestown, PA 18901.

2. Defendant, **COSTCO WHOLESALE CORP.** (hereinafter referenced as "Defendant **COSTCO**"), is a corporation or other business entity which has a place of business located at 740 Upper State Road, North Wales, PA 19454, and which regularly conducts business in Montgomery County, PA.

3. At all times relevant hereto, Defendant **COSTCO** owned or leased, possessed, occupied, and managed the building located at 740 Upper State Road, North Wales, PA 19454 (hereinafter referenced as "Premises") and operated a business commonly known as Costco Wholesale at the Premises.

4. At all times relevant hereto, Plaintiff **GALINA DVOIRIN** was a business invitee in the Premises to whom Defendant **COSTCO** owed the highest duty of care.

5. At all times relevant hereto, Defendant **COSTCO** acted by and through its authorized agents, servants, workmen and/or employees, all acting within the course and scope of their agency and/or employment with Defendant **COSTCO**.

6. On September 16, 2020, Plaintiff **GALINA DVOIRIN** was lawfully present in the Premises when she slipped, stumbled, and fell because she had stepped onto an accumulation of a slippery gel-like substance on the floor of the Premises in the vicinity of the check-out area. The fall caused Plaintiff **GALINA DVOIRIN** to suffer serious injuries (more fully hereinafter described).



7. The gel-like substance on the floor of the Premises was a defective condition which rendered the Premises unsafe, and which posed a great risk to business invitees. The defective condition was a danger, menace, nuisance, trap and/or hazard to persons lawfully in the vicinity of the said defective condition.

8. Defendant **COSTCO** exclusively owned, operated, maintained, possessed, controlled and/or managed the Premises where Plaintiff **GALINA DVOIRIN** was injured.

9. The defective condition of the Premises was created by Defendant **COSTCO**, or it had existed for a considerable time prior to Plaintiff **GALINA DVOIRIN**'s fall, such that Defendant **COSTCO** had either actual and/or constructive notice of the defective condition.

10. Defendant **COSTCO** had a duty to correct, remedy, repair, warn about, and/or eliminate the said defective condition.

### COUNT I

### GALINA DVOIRIN vs. COSTCO WHOLESALE CORPORATION

### Negligence

11. Plaintiff **GALINA DVOIRIN** hereby incorporates paragraphs one (1) through ten (10) above by reference, as fully as though they were set forth here at length.

12. Defendant **COSTCO** was careless and negligent and it breached the duty of care that it owed to Plaintiff **GALINA DVOIRIN**.

13. The carelessness and negligence of Defendant **COSTCO** consisted of the following acts and or omissions:

- a. Creating a dangerous and defective condition in the Premises;

- b. Failing to properly and adequately inspect the walking surface in the Premises;
- c. Failing to warn business invitees of the defective condition of which Defendant was aware or should have been aware;
- d. Failing to select and hire competent employees and/or contractors to maintain, clean, and/or repair the walking surface in the Premises;
- e. Failing to take necessary action to safeguard invitees lawfully upon the Premises and to prevent them from falling;
- f. Allowing the aforesaid defective condition to continue to exist, so as to constitute a menace, danger, nuisance, trap and/or hazard to invitees lawfully walking in the Premises; and,
- g. Failing to maintain the walking surfaces in the Premises in a reasonable manner.

14. As a direct result of the aforesaid negligence of Defendant **COSTCO** as above averred, Plaintiff **GALINA DVOIRIN** suffered severe and permanent injuries, including but not limited to: tear of the meniscus of the right knee; contusion, sprain and strain of the right knee; left knee contusion, sprain and strain superimposed on previously asymptomatic degenerative disease; lumbar sprain and strain; painful traumatic injury to the left wrist; anxiety; and severe shock to the nerves and nervous system. Plaintiff **GALINA DVOIRIN** was or may have been otherwise injured, whereby Plaintiff has suffered and may continue to suffer in the future.

15. As a direct result of the aforesaid negligence of Defendant **COSTCO**, Plaintiff **GALINA DVOIRIN** has in the past, and will in the future, undergo severe pain and suffering.

16. Plaintiff **GALINA DVOIRIN** believes and therefore avers that her injuries are serious and permanent in nature.

17. As a direct result of the aforesaid occurrence, Plaintiff **GALINA DVOIRIN** has been compelled, in order to effectuate a cure for her aforesaid injuries, to expend sums of money for medicine and medical attention, and she may be required to expend additional sums for the same purposes in the future.

18. As a direct result of the aforesaid occurrence, Plaintiff **GALINA DVOIRIN** has been prevented from attending to her usual activities and duties, and may be so prevented for an indefinite time in the future, all to her great detriment and loss.

19. As a direct result of the aforesaid occurrence, Plaintiff **GALINA DVOIRIN** has suffered physical pain and mental anguish and humiliation and she may continue to suffer the same for an indefinite period of time in the future.

**WHEREFORE**, Plaintiff **GALINA DVOIRIN** demands damages of Defendant, **COSTCO WHOLESALE CORPORATION**, in a sum in excess of **FIFTY THOUSAND (\$50,000.00) DOLLARS** plus costs.

#### COUNT II

#### JURY KHEIFETZ vs. COSTCO WHOLESALE CORPORATION

#### Loss of Consortium

20. Plaintiff **JURY KHEIFETZ** hereby incorporates paragraphs one (1) through nineteen (19) above by reference, as fully as though they were set forth here at length.



21. Plaintiff **JURY KHEIFETZ** is the husband of Plaintiff **GALINA DVOIRIN**, and, as such, has incurred expenses for the treatment of his wife's injuries and may in the future be caused to incur additional expenses as he has in the past.

22. As a direct result of the aforesaid occurrence, Plaintiff **JURY KHEIFETZ**, to his great damage and loss, has been deprived of the society, companionship, services and assistance of his wife to which he is legally entitled.

**WHEREFORE**, Plaintiff **JURY KHEIFETZ** demands damages of Defendant, **COSTCO WHOLESALE CORPORATION**, in a sum in excess of **FIFTY THOUSAND (\$50,000.00) DOLLARS** plus costs.

**JEFFREY R. LESSIN & ASSOCIATES, P.C.**

BY: *Jeffrey R. Lessin*  
**JEFFREY R. LESSIN, ESQUIRE**  
**TY P. RYAN, ESQUIRE**  
**Attorneys for Plaintiffs**



**ATTORNEY'S VERIFICATION**

Jeffrey R. Lessin, Esquire, attorney for Plaintiffs, Galina Dvoirin and Jury Kheifetz, w/h, state that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
**JEFFREY R. LESSIN, ESQUIRE**  
**ATTORNEY FOR PLAINTIFFS**